

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to OWI and implied consent  
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 620, “OWI and Implied Consent,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321J.20.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321J.20.

*Purpose and Summary*

This proposed rule making amends Chapter 620 to conform the rules with 2020 Iowa Acts, House File 2411, sections 1 to 3, which amend Iowa Code section 321J.20 to remove participation in the 24/7 sobriety and drug monitoring program (24/7 program) as a condition of obtaining a temporary restricted license (TRL) while serving a driver’s license revocation for an operating while intoxicated (OWI) offense or as a condition of reinstatement after an OWI revocation. The purpose of the legislation is to improve the effectiveness of the 24/7 program. Prior to the 2020 legislation, a person could avoid being subject to the requirement to participate in the 24/7 program by declining to obtain a TRL, which also unintentionally resulted in fewer OWI offenders seeking a TRL. The 2020 legislation now provides the court with the authority to require an eligible OWI offender to participate in the 24/7 program regardless of whether that offender is also eligible for a TRL.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa as the rule making conforms with 2020 Iowa Acts, House File 2411, sections 1 to 3, which remove participation in the 24/7 sobriety and drug monitoring program as a condition of obtaining a TRL while under driver’s license revocation for or reinstating a driver’s license due to an OWI offense.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 5, 2021. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear requested oral presentations will be held on January 7, 2021, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 5, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind paragraph **620.3(1)“c.”**

ITEM 2. Rescind subrule **620.5(8)**.

ITEM 3. Rescind and reserve rule **761—620.17(321J)**.

ITEM 4. Amend **761—Chapter 620**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A; and 321J as amended by 2019 Iowa Acts, Senate File 364, section 1; and 901D as amended by 2019 Iowa Acts, Senate File 364, section 2; and sections 321.193, 321.201, 321.376 and 707.6A.